

### REMARKS

Claims 27, 55, 70, 71 are amended by way of this amendment to clarify the subject matter of the invention. No new matter is believed to be added by way of the amendments to the claims. All pending claims, as amended, are believed to be allowable over the references cited by the Examiner as discussed below. Accordingly, a Notice of Allowance for the present application is respectfully requested.

### Objections to the Specification and Drawings

An abstract on a separate sheet is added by way of this amendment to comply with 37 CFR 1.72(b).

The informalities in the specification noted by the Examiner are corrected by way of this amendment.

Claims 70 and 71 are amended to correct the typographical errors noted by the Examiner. Claim 27 is also amended to correct a typographical error and is now dependent from claim 26 rather than claim 25.

Reference numeral 603 shown in FIG. 6 is now included in the specification at page 34, line 21 and page 35 and line 2. Drawings corrections are thus not needed.

Applicants believe that all objections have been overcome and withdrawal of the objections to the specification and drawings is respectfully requested. No new matter is believed to be added by way of the amendments to the specification made herein.

### Rejection Under 35 U.S.C. §103

Claims 1-3, 14-16, 26, 33, 40, 49, 56, 66, 70, 71, 75 and 75 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Duncan in view of Lincoln. Applicants respectfully disagree.

Duncan discloses a host telephone (11) connected via a two-connector interface (14, 15) to a *single* accessory item (12) (see, for example, FIGS. 1, 4, and 5; Abstract lines 1-6; col. 1 line 39-44; col. 2, lines 54-59). Duncan states, both implicitly and explicitly, that the host telephone is connected to a single accessory item (such as a headset) through the interface and that the accessory item 12 may *consist* of, for example, a headset *or* a headset system (col. 2, lines 54-59). Nowhere does Duncan disclose or even suggest an adapter for the headset nor an accessory for the headset. Duncan merely discloses a headset coupled to the telephone host, without any headset accessories or even a headset adapter. Rather, Duncan discloses a single accessory (the headset) for the telephone host and an interface (the connector receptors 14, 15) for interfacing between the accessory (the headset) and the host telephone. Thus, contrary to the Examiner's assertions, nowhere does Duncan disclose or even suggest an accessory for the headset or an

adapter for the headset, much less an adapter that is coupled to both the headset and the headset accessory.

In contrast, independent claim 1 recites a telecommunication system that includes a telephone headset, an accessory for the telephone headset, and an adapter that is coupled to both the headset and the headset accessory. Clearly, Duncan fails to disclose or suggest an accessory for the headset and a headset adapter.

Similarly, independent claim 15 recites an adapter for a telecommunications headset coupled to a headset accessory; independent claim 26 recites a headset accessories interface bus coupled to a headset accessory; independent claim 33 recites an interface bus for a headset adapter and a headset accessory; independent claim 40 recites a method using a headset adapter base and an interface bus; independent claim 56 recites a communications protocol for a headset accessories interface bus; independent claim 66 recites a combination having a headset adapter and a communications protocol; independent claim 70 recites a headset adapter base for testing a headset accessory; and independent claim 75 recites a method for testing a headset accessory using a headset adapter. With regard to these independent claims, Duncan similarly fails to disclose the elements relating to the headset accessory and headset adapter as discussed above.

#### **Combination of Duncan with Lincoln**

The deficiencies of Duncan are not overcome with Lincoln. Applicants submit that Lincoln is not analogous art to the claimed invention. Furthermore, Lincoln cannot be combined with Duncan as Lincoln is devoid of any logical reason that is apparent from the positive, concrete evidence which justifies the combination of these two references. Moreover, even if Duncan could be combined with Lincoln, the combination fails to result in the invention as claimed.

First, Lincoln is not analogous art to the subject invention. "In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." (MPEP 2041.01(a); *In re Oetiker* 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992)). Lincoln is clearly not in the field of applicant's endeavor nor is Lincoln reasonably pertinent to the particular problem with which the claimed invention is concerned (i.e., monitoring status and/or direct controlling of headset accessories; see specification, pages 4-7).

In particular, Lincoln is directed to a user-responsive HVAC system or similar home automation system as stated in its "Field of Invention" (Col. 1, lines 40-41) and its Abstract. Clearly, Lincoln is not even arguably in the field of applicants' endeavor. The Examiner notes that Lincoln allows a user to "tailor the environment to conform to the user's lifestyle" (col. 3,

lines 31-33). The Examiner's overly broad interpretation of such a generic statement would result in the reference being applicable to nearly all fields of endeavor, particularly those related to consumer products and beyond. However, Lincoln uses the term "environment" to refer to the general surrounding and lifestyle of the user and more specifically to the temperature achieved by the HVAC system. A headset can hardly be considered as part of such an environment conforming to a lifestyle much less an automatic temperature control.

Furthermore, the PTO classification of references is also evidence of nonanalogy, as is the case here. While PTO classification is evidence of nonanalogy or analogy, similarities and differences in structure and function carry more weight. (MPEP 2141.01(a)). However, both structural and functional differences between a telecommunication system having a headset adapter with an accessory interface bus is hardly analogous to a bus that allows communication between a central unit and remote units of an HVAC system or a similar home automation system. Thus, Lincoln cannot be considered analogous art to the subject invention and cannot be properly cited against the subject invention.

Lincoln also cannot be combined with Duncan as Lincoln is devoid of any logical reason that is apparent from the positive, concrete evidence which justifies the combination of these two references. In order to combine references to establish *prima facie* evidence of obviousness, "there must be some logical reason apparent from the positive, concrete evidence of the record which justifies the combination of primary and secondary references." *In re Sterniski*, 170 U.S.P.Q. 343 (CCPA 1971). The level of skill in the art *cannot* be relied upon to provide the suggestion to combine references. *Al-Site Corp. v. VSI International Inc.*, 174 F.2d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999, emphasis added). Here, Applicants submit that the Examiner has relied upon the level of skill in the art, if not an extraordinary level, to provide the suggestion to combine Duncan and Lincoln.

The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art suggests the desirability of the combination or modification. *In re Mills*, 915 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). In this case, neither of the references relied upon by the Examiner suggests modifications to result in the presently claimed invention beyond an improvement in the "environment" relating to a user's "lifestyle." Therefore, in view of the foregoing, the combination of Duncan in view of Lincoln under 35 USC §103 is improper.

Even if Duncan could be combined with Lincoln, the combination fails to result in the invention as claimed. As discussed above, Duncan fails to disclose or even suggest an adapter for the headset nor an accessory for the headset. Rather, Duncan discloses a single accessory (the headset) for the telephone host and an interface (the connector receptors 14, 15) for interfacing between the accessory (the headset) and the host telephone. Lincoln obviously fails to disclose

such elements. Thus, even if Duncan were combined with Lincoln, the claimed invention would not result from the combination.

In view of the foregoing, withdrawal of the rejection of independent claims 1, 15, 26, 33, 40, 56, 66, 70, and 75 as well as claims dependent therefrom is respectfully requested.

Claims 4-13, 17-25, 27-32, 34-39, 41-48, 50-54, 57-65, 67-69, 72-74, and 77-79 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Duncan in view of Lincoln, and further in view of King, Miesterfield, Waechter, Feher, Wandel, Kou, Humpleman, Andrews, Houck, Tanakka, and/or Stirk. However, these claims are believed to be allowable at least for the similar reasons as set forth above with regard to Duncan, Lincoln, and the combination thereof. Thus, withdrawal of the rejection of claims 4-13, 17-25, 27-32, 34-39, 41-48, 50-54, 57-65, 67-69, 72-74, and 77-79 is respectfully requested.

Independent claim 55 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Feher. Applicants respectfully disagree. Feher discloses a data input interface that provides data signals to a clock generator. The data interface controls a selector switch that provides either a shorter or a longer distance between the falling and rising edge of the clock modulated signal for a zero- or one-state data signal, respectively (col. 17, lines 42-51). In this embodiment, the clock signal modulator includes the data input interface that provides data signals to the asynchronous clock generator and controls a selector switch based on the zero or one state of the data signal. A zero data signal causes the switch to provide a short falling-to-rising edge distance of the clock modulated signal while a one data signal causes the switch to provide a longer falling-to-rising edge distance for the clock modulated signal. As noted by the Examiner, such a clock signal modulator aims to enable "power efficient and spectral efficient systems" (col. 6, lines 22-26).

In contrast, method of independent claim 55, as amended, includes receiving a data bit that has both a high and a low portion within a single bit period, measuring the width of the high (or low) portion of the data bit, and assigning a bit value to the data bit depending upon the measured width. Nowhere does Feher disclose any element of the claimed method. Instead, Feher utilizes a data signal to control a selector switch which in turn causes a clock generator to modulate the output clock signal in response thereto. In Feher, the actual value of the bit is utilized to modulate the output clock signal. In claim 55, the bit value of the data bit does not affect the value assigned to it but rather the width of the high (or low) portion within a single bit period determines the value assigned to the data bit.

As noted above, the method of claim 55 measures the width of the high (or low) portion of the bit within a single bit period in order to determine and assign a bit value. In contrast,

Feher is concerned with maximizing power and spectral efficiency. As such, Feher not only fails to disclose or suggest the invention of claim 55 but actually teaches away from the invention of claim 55.

Thus, withdrawal of the rejection of independent claim 55 under 35 U.S.C. §103(a) is respectfully requested.

**Version of Amendments With Markings to Show Changes Made**

27. (Once Amended) The telephone headset accessories interface bus of claim [25] 26, comprising:

a high voltage rail,

a low voltage rail, and

at least one bidirectional signaling line for transmitting and receiving the plurality of communications packets between a headset adapter and the telephone headset accessory, wherein the communications packets are used to control or monitor the telephone headset accessory.

55. (Once Amended) A method for assigning a bit value of one or zero to a data bit having a high portion and a low portion within a single bit period, the method comprising the steps of:

receiving the data bit;

measuring a width of either the high portion or the low portion of the data bit within the single bit period; and

assigning a bit value of one to the data bit if the width measured falls within a first predetermined range or assigning a bit value of zero to the data bit if the width measured falls within a second predetermined range.

70. (Once Amended) A headset adapter base for testing a headset accessory coupled to the adapter base, the adapter base comprising:

a micro-controller, and

an interface bus coupled to the micro-controller and adapted to [coupled] couple to the headset accessory for transmitting and receiving communications packets back and forth between the micro-controller and the headset accessory in order to test the headset accessory and verify proper operation of the headset accessory.

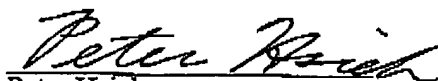
71. (Once Amended) The adapter base of claim 70, wherein the interface bus includes at least one bi-directional signaling line which is used for transmitting and receiving the communications packets between the headset accessory and micro-controller.

### CONCLUSION

Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

In the unlikely event that the transmittal letter accompanying this document is separated from this document and the Patent Office determines that an Extension of Time under 37 CFR 1.136 and/or any other relief is required, Applicant hereby petitions for any required relief including Extensions of Time and/or any other relief and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 50-2315 (Order No. 01-3876).

Respectfully submitted,



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